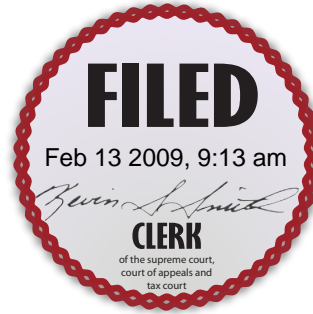


Pursuant to Ind.Appellate Rule 65(D), this Memorandum Decision shall not be regarded as precedent or cited before any court except for the purpose of establishing the defense of res judicata, collateral estoppel, or the law of the case.



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**IN THE  
COURT OF APPEALS OF INDIANA**

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TITUS LAWLER,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 48A04-0806-CR-329

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APPEAL FROM THE MADISON CIRCUIT COURT  
The Honorable Fredrick R. Spencer, Judge  
Cause No. 48C01-9901-CF-9

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**February 13, 2009**

**MEMORANDUM DECISION – NOT FOR PUBLICATION**

**RILEY, Judge**

## STATEMENT OF THE CASE

Appellant-Defendant, Titus Lawler (Lawler), appeals the trial court's revocation of his probation.

We affirm.

## ISSUE

Lawler raises one issue on appeal, which we restate as follows: Whether the trial court abused its discretion when it revoked Lawler's probation and ordered his entire previously suspended sentence executed.

## FACTS AND PROCEDURAL HISTORY

On December 15, 2000, Lawler pled guilty to Count I, possession of cocaine, a Class B felony, Ind. Code § 35-48-4-6; Count II, possession of a controlled substance, a Class C felony, I.C. § 35-48-4-7; Count III, possession of marijuana, a Class A misdemeanor, I.C. § 35-48-4-11; and Count IV, false reporting, a Class B misdemeanor, I.C. § 35-44-2-2. On January 31, 2001, the trial court sentenced Lawler to ten years incarceration with six years suspended to probation on Count I, two years for Count II, one year for Count III, and sixty days for Count IV, with all sentences to run concurrently. On November 17, 2002, the Indiana Department of Correction (DOC) released Lawler and he began home detention on December 20, 2002. On May 27, 2004, Lawler began four years of formal probation.

On December 12, 2006, the State filed a petition for violation of probation, which was subsequently amended on January 24, 2007, and which alleged that Lawler: (1) failed to report to probation as ordered; (2) failed to pay monthly fees; (3) failed to report changes in

address; (4) was charged in Walker County, Alabama, with trafficking, a Class A felony, and carrying a pistol without a permit, a Class A misdemeanor; and (5) failed to obtain a written travel permit prior to leaving Indiana. On June 11, 2007, during the probation revocation hearing, Lawler admitted to the violations. The trial court ruled that if Lawler paid the costs incurred in extraditing him from Alabama, he would be released and returned to probation. Two days later, on June 13, 2007, Lawler paid the extradition expenses and was released.

On January 8, 2008, the State filed a second petition for probation violation, which was amended on January 15, 2008. In the petition, the State alleged that Lawler violated the terms of his probation by (1) failing to pay monthly fees and (2) incurring new charges in Madison County, Indiana, *i.e.*, Count I, possession of cocaine, a Class A felony; Count II, resisting law enforcement, a Class D felony; and Count III, resisting law enforcement, a Class A misdemeanor. On January 28, 2008, the trial court conducted an evidentiary hearing and concluded that Lawler had violated the terms of his probation. At the conclusion of the hearing, the trial court revoked Lawler's probation and ordered him to serve the remainder of his sentence at the DOC.

Lawler now appeals. Additional facts will be provided as necessary.

### DISCUSSION AND DECISION

Lawler does not contest the trial court's finding that he violated his probation. Rather, Lawler disputes the trial court's imposition of his entire previously suspended sentence. Specifically, Lawler argues that he was attempting to reform and should be given another chance.

Probation is a favor granted by the State, not a right to which a criminal defendant is entitled. *Sanders v. State*, 825 N.E.2d 952, 954-55 (Ind. Ct. App. 2005), *trans. denied*. Moreover, a probation revocation hearing is civil in nature, and the State need only prove the alleged violations by a preponderance of the evidence. *Cox v. State*, 706 N.E.2d 547, 551 (Ind. 1999). A trial court's decision to revoke probation and a trial court's subsequent sentencing decision are reviewed for an abuse of discretion. *Sanders*, 825 N.E.2d at 956.

Initially, we note that Lawler pled guilty to various charges of narcotics possession. He served part of his sentence at the DOC and commenced four years of formal probation on May 27, 2004. The State filed its first petition for probation violation in December of 2006. Even though Lawler was charged with a Class A felony trafficking in Alabama, the trial court merely requested him to pay his extradition fees as a condition to remain on probation. Lawler paid his fee.

The instant violation occurred approximately one year later when Madison County Drug Task Force detectives received information that Lawler was dealing cocaine out of a house in Madison County. The detectives investigated Lawler, arrested him, and discovered 128 grams of crack cocaine, \$3,696.00 in currency, and a set of digital scales on his person. At the probation violation hearing, the trial court found that Lawler violated the terms of his probation and ordered his entire previously suspended sentence executed.

Lawler's actions reveal that he did not take his probation seriously, nor use probation to conform his behavior to the laws of society. Instead, he continued his life of crime by

engaging in drug activity, thereby showing a total disrespect for the court's authority and the probation program. In this light, we find that the trial court did not abuse its discretion.

### CONCLUSION

Based on the foregoing, we conclude that the trial court did not abuse its discretion by revoking Lawler's probation and ordering his entire previously suspended sentence executed.

Affirmed.

DARDEN, J., and VAIDIK, J., concur.